

**United States District Court****for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Patrick Michael Benoit

Case Number: 2:11CR02100-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Donald W. Molloy, Chief U.S. District Judge

Date of Original Sentence: 9/7/2001

Original Offense: Conspiracy to Distribute a Controlled Substance, 21 U.S.C. § 841(a), 846, and 841(b)(1)(C)

Original Sentence: Prison - 108 Months;  
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Benjamin David Seal

Date Supervision Commenced: 4/7/2010

Defense Attorney: Ricardo Hernandez

Date Supervision Expires: 12/13/2013

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**PETITIONING THE COURT**

**To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 8/30/2011 and 4/24/2012.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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7	<b><u>Special Condition #1:</u></b> The defendant will enter and successfully complete a program of testing and treatment for drug/alcohol abuse, as directed by the probation officer until such time as the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost, as deemed appropriate by the probation officer.
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**Supporting Evidence:** Mr. Benoit failed to provide a urine sample on December 26, 2012.

8	<b><u>Standard Condition #7:</u></b> The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or an paraphernalia related to any controlled substances, except as prescribed by a physician.
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**Supporting Evidence:** Mr. Benoit provided a urine sample to his Washington State Department of Corrections (DOC) officer on January 3, 2013, that was positive for amphetamines. Mr. Benoit was taken into custody at that time. This officer met with Mr. Benoit at the Yakima County Jail on January 4, 2013, in an attempt to obtain a urine sample

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from Mr. Benoit. He stated he just went to the bathroom but would try. Mr. Benoit was given some water and while waiting for him to produce the urine, he disclosed to this officer that he used methamphetamine on December 24, and again on December 31, 2012. He signed an admission statement admitting to the use of the illegal drug.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/31/2013

s/Stephen Krous

Stephen Krous  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☐ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Other

s/ Fred Van Sickle

Signature of Judicial Officer

2/1/13

Date

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Mr. Benoit has been able to verbalize a desire to change his behaviors, however, has demonstrated the contrary. Mr. Benoit has the capability but appeared unwilling to give up old activities, leading to his current situation. He has currently availed himself to in-patient drug treatment and is due to be discharged on February 14, 2013. This higher level of treatment will hopefully have a greater impact on Mr. Benoit and allow him to begin to develop a better understanding of his decision making and substance abuse activities.

**Statutory and Guideline Provisions:**

When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the Court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release. Title 18 U.S.C. § 3583(h).

If revoked, the following options are available for sentencing:

**Original Criminal History Category:** VI  
**Grade of Violation:** C  
**Class of Offense:** Class A Felony

	<b><u>Statutory Provisions</u></b>	<b><u>Guideline Provisions</u></b>
<b>CUSTODY:</b>	60 months	8-14 months
<b>SUPERVISED RELEASE:</b>	60 months minus custody imposed	60 months minus custody imposed

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It is respectfully recommended that the Court incorporate the violation(s) contained in this petition in all future proceedings, with the violation(s) previously reported to the Court.

Respectfully submitted,

Scott M. Morse, Sr.  
Chief U. S. Probation Officer

By: s/Stephen Krous 01/31/2013  
Stephen Krous Date  
U. S. Probation Officer

APPROVED BY:

s/Rebecca M. Nichols 01/31/2013  
Rebecca M. Nichols Date  
Supervising U.S. Probation Officer

SK:lh

c: Ricardo Hernandez, Defense counsel  
Benjamin David Seal, AUSA